

# EXHIBIT A

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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, JULIEANNA  
 MUNIZ, ELIZA CAMBAY, SAL  
 CATALDO, EMIR GOENAGA, JULIAN  
 SANTIAGO, HAROLD NYANJOM,  
 KELLIE NYANJOM, and SUSAN LYNN  
 HARVEY, individually and on behalf of all  
 others similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 3:20-cv-04688

**[PROPOSED] ORDER GRANTING  
 PLAINTIFFS' MOTION TO COMPEL**

The Honorable Alex G. Tse  
 Courtroom A – 15th Floor  
 Trial Date: Not Yet Set

[PROPOSED] ORDER

Before the Court is the parties' joint letter brief regarding Plaintiffs' motion to compel Google to produce documents and data in response to Requests for Productions Nos. 255, 266, and Interrogatory Nos. 13-14 (the "Motion"). Plaintiffs' Motion is **GRANTED**.

As a threshold matter, the Court has not considered Exhibit E to the Motion, which is a declaration from Google employee Nevin Kapur. Plaintiffs point out that Mr. Kapur was not disclosed under Rule 26, and Google does not suggest otherwise. Google therefore may not rely on that "witness to supply evidence on a motion." Fed. R. Civ. P. 37(c)(1).

As for the substance, the dispute breaks down into two categories.

First, Plaintiffs seek information relating to logs and fields that Google uses to track WAA and sWAA status, including by way of bits or fields that indicate whether specific data was generated while (s)WAA status "off." Google admits that such bits and fields exist, and Google does not deny that they can be found within logs that contain or leverage Firebase data. Plaintiffs seek to use this information to craft a proposal for Google to search for and produce data from these logs, so that Plaintiffs' experts may evaluate that data.

Google principally contends that complying with Plaintiffs' requests would be unduly burdensome. But Google has not made any compromise proposal, such as to limit its responses to logs or fields that contain app-activity data. Google instead seeks to limit discovery to four logs, none of which has a bit or field that specifically indicates (s)WAA status. Google has also refused to entertain a factual stipulation, which Plaintiffs proposed to narrow and/or moot this dispute.

Given Plaintiffs' efforts to narrow this dispute, and Google's refusal to propose any compromise, the Court is not persuaded by Google's burden argument. Google is ordered to either (1) accept the factual stipulation that Plaintiffs proposed, or (2) identify and describe all logs that (A) contain a field which tracks (s)WAA status, and (B) contain or leverage app-activity data. For this second option, the Court below provides guidance to limit the burden to Google.

The second dispute relates to Google dashboards. Through their review of documents, Plaintiffs have identified four specific dashboards that, on their face, appear to contain and/or track

1 aggregate metrics specific to WAA-off data. For each of these four dashboards, Plaintiffs merely  
2 seek screenshots showing all the ways in which they can be queried. Google has made such a  
3 production for one of the four dashboards, but not the other three. Google does not claim that it is  
4 incapable of producing such screenshots for the other three, or that it would be burdensome to do  
5 so. Google is therefore ordered to make such a production for each of the three remaining  
6 dashboards.

7 In summary, the Court **ORDERS** as follows.

8 Within three business days of this Order, Google shall inform Plaintiffs whether it has  
9 chosen to (1) accept the factual stipulation that Plaintiffs proposed, or (2) identify and describe all  
10 logs that (A) contain at least one field which tracks (s)WAA status, and (B) contain or leverage  
11 app-activity data. If Google chooses the second option, Google need only provide:

- 12 • The names of all such logs
- 13 • A schema for all such logs showing all fields within the log, including any field or bit  
14 that tracks (s)WAA status. For each log, Google should specify which field(s) tracks  
15 (s)WAA status.
- 16 • Any proto buffer comments for any field that indicates (s)WAA status

17 In addition, within three business days of this Order, Google must produce screenshots  
18 showing all the ways in which the following three dashboards can be queried: Magic Eye, d\*\*\*av,  
19 and R\*\*\*a.

20  
21 **IT IS SO ORDERED.**

22  
23 DATED: \_\_\_\_\_

24 Honorable Alex G. Tse  
25 United States Magistrate Judge  
26  
27  
28